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Patent  
Serial No. 09/806,816  
Attorney Docket 400004-2022

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Meinhard Protz et al.

Serial No. : 09/806,816

Filed : July 6, 2001

For : METHOD AND DEVICE FOR THE HANDLING AND  
TERMINALLY TREATING BAG OR FILM PACKAGING

Art Unit : 3721

Examiner : Becker, Drew E.

745 5<sup>th</sup> Avenue.  
New York, NY, 10151

**EXPRESS MAIL**

Mailing Label Number: EV746685337US

Date of Deposit: April 20, 2006

I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to  
Addressee" Service under 37 CFR 1.10 on the date indicated above  
and is addressed to: **Mail Stop Petitions, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Adam Ahmed  
(Typed or printed name of person mailing paper or fee)

A. Ahmed  
(Signature of person mailing paper or fee)

**PETITION UNDER 37 C.F.R. 1.181 TO REQUEST WITHDRAWAL HOLDING OF  
ABANDONMENT AND RE-MAILING OF THE OFFICE ACTION PURPORTEDLY  
MAILED ON SEPTEMBER 29, 2005**

**Mail Stop Petitions**  
Commissioner for Patents  
P.O. Box. 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

This is a petition to withdraw the holding of abandonment in the above-identified  
application, to request a re-mailing of the Office Action purportedly mailed on September 9,

Patent  
Serial No. 09/806,816  
Attorney Docket 400004-2022

2005, and to have the period for response reset consistent with the new re-mailing date. This procedure is outlined at MPEP § 711.03(c)1.A.

On or about April 17, 2006, Examiner Drew Becker telephoned the undersigned attorney, requesting the status of the above-identified application and stating that he had not received any response to an Office Action purportedly mailed on September 29, 2005. The office action set a three-month period for response which was extendible for up to an additional three months. Examiner Becker informed the undersigned attorney that because no response to the office action was received before March 29, 2006, as notice of abandonment was to be issued.

Following this telephone call, I instructed Ms. Lai Fun Yu, a docketing clerk with Frommer Lawrence & Haug, to print copies of the docketing sheets showing the status of the application as shown by our internal docketing system. In addition, I have conducted a review of our file for Application Serial Number 09/806,816. Though I have searched the file of Application Serial Number 09/674,816, I did not find the subject Office Action dated September 29, 2005 therein.

A copy of the docket log sheet of all actions concerning Application Serial No. 09/674,816 is attached. Also attached is a copy of the docket log sheet for all PTO mailings dated September 29, 2005 that were received by Frommer Lawrence & Haug. As can be seen in the docket log for Application Serial No. 09/674,816, no entry has been made identifying an office action dated September 29, 2005. Additionally, no entry is made indicating a three-month response due on December 29, 2005, or the termination of the six-month period for response ending March 29, 2006. Further, as can be seen, the docket log for all PTO mail dated September 29, 2005 received by Frommer Lawrence & Haug, no entry for Application Serial

Patent  
Serial No. 09/806,816  
Attorney Docket 400004-2022

No. 09/674,816 exists. The two docket log sheets are enclosed as evidence that Applicants' attorney never received the subject Office Action for Application Serial Number 09/674,816. Petitioner verily believes that said Office Action, if mailed, has gone astray, and therefore was not received by Frommer Lawrence & Haug. Accordingly, no response has been filed by applicants' attorney to the Office Action dated September 29, 2005.

Petitioner respectfully requests that the Office Action dated September 29, 2005, be re-mailed to the undersigned with a renewed mail-date and the term for responding be reset with the mailing of the Office Action, in addition Petitioner requests that the Abandoned status of the application be withdrawn.

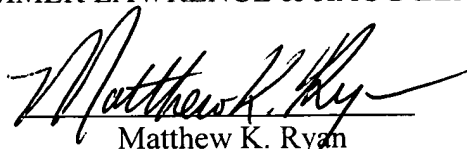
Prompt action has been taken pursuant to 37 C.F.R. 1.8(b).

It is believed that no fee is due for this petition as outlined under MPEP § 711.03(c)1.A; however, if the Examiner deems that Petition Fee is due, then authorization is hereby given to charge Deposit Account No. 50-0320 with the Petition Fee.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Matthew K. Ryan  
Reg. No. 30,800  
(212) 588-0800



## Country Application

Tuesday, April 18, 2006

Page: 1

Case Number: 4000042022

Country: US

Client: Boehmert & Boehmert

United States of America

Case Type: ORD

Application Status: Pending

Application Number: 09/806816

Filing Date: 06-Jul-2001

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation #:

Patent Term Adjustment: 0

Agent:

Agent Reference #:

Family Reference:

ccClient:

Second Assignee:

Examiner:

Group Art Unit:

Non Priority Country:

Non Priority Date:

Non Priority Doc No:

Second Priority Country:

Second Priority Date:

Second Priority Doc No:

Third Priority Country:

Third Priority Date:

Third Priority Doc No:

Bar Date:

EU or SBC Ref.:

Allowed Date:

Place of Incorporation:

Great Grandparent:

Great Grandparent Filing:

Grandparent:

Grandparent Filing:

Head of Clan:

Head of Clan Filing:

Family Number: 4000042022

**List Of Actions**

<b>Action(s) Due</b>	<b>Due Date</b>	<b>Action Taken</b>	
Information Disclosure Stmtnt	06-Oct-2001	Due Date	
Foreign Filing Follow Up Date	06-Jan-2002	Due Date	06-Jul-2001
Foreign Filing Reminder	06-Jan-2002	Reminder	06-Jul-2001
Foreign Filing Reminder- 3 Mo.	06-Apr-2002	Reminder	06-Jul-2001
Foreign Filing Reminder- 2 Mo.	06-May-2002	Reminder	06-Jul-2001
Foreign Filing Reminder- 1 Mo.	06-Jun-2002	Reminder	06-Jul-2001
Foreign Filing Due	06-Jul-2002	Final	06-Jul-2001
Application Status Check	06-Jan-2003	Due Date	
2 WK REMINDER	19-Nov-2003	Reminder	04-Feb-2004
3 MON RESPONSE	05-Dec-2003	Due Date	04-Feb-2004
1 MON EXTENSION	05-Jan-2004	Due Date	04-Feb-2004
2 MON EXTENSION	05-Feb-2004	Due Date	04-Feb-2004
Post card check	04-Mar-2004	Reminder	04-Feb-2004
6 MON FINAL	05-Mar-2004	Final	04-Feb-2004
Office action follow up	04-Aug-2004	Reminder	08-Jun-2004
NOT APP	11-Aug-2004	Due Date	
R116	11-Aug-2004	Due Date	11-Aug-2004
REMINDER	25-Aug-2004	Reminder	11-Aug-2004
NOT APP EXT 1	11-Sep-2004	Due Date	
R116 1	11-Sep-2004	Due Date	11-Aug-2004
NOT APP EXT 2	11-Oct-2004	Due Date	
R116 2	11-Oct-2004	Due Date	11-Aug-2004
REMINDER	08-Nov-2004	Reminder	05-Nov-2004
DDD 6 MON	11-Nov-2004	Final	11-Aug-2004
DDD 6 MON	11-Nov-2004	Final	05-Nov-2004
STATUS CK	15-Mar-2005	Due Date	23-Feb-2005
3 MON RESPONSE	04-May-2005	Due Date	29-Jul-2005
1 MON EXTENSION	04-Jun-2005	Due Date	29-Jul-2005
2 MON EXTENSION	04-Jul-2005	Due Date	29-Jul-2005
REMINDER	01-Aug-2005	Reminder	29-Jul-2005
6 MON FINAL	04-Aug-2005	Final	29-Jul-2005

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## Country Application

Tuesday, April 18, 2006

Page: 3

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Post card check	29-Aug-2005	Reminder	29-Jul-2005
Office action follow up	29-Apr-2006	Reminder	

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**User ID:** LFY

**Date Created:** 06-Feb-2004

**Last Update:** 01-Jul-2005

## PTO BASE DATE REPORT

4/20/2006

CaseNumber	AppNumber	SubCa	Country	FileDate	ActionType	PTO/Base Date
45010003370	09/965873		US	28-Sep-2001	US-Allowance	29-Sep-2005
45010003760	10/079595		US	19-Feb-2002	US-3MON. ACTION	29-Sep-2005
45010005687	11/225324		US	13-Sep-2005	US-MISSG PT-FLG	29-Sep-2005
45010802550	09/719112		US	20-Feb-2001	US-3MON. ACTION	29-Sep-2005
5144133766	09/370373		US	10-Aug-1999	US-Allowance	29-Sep-2005
5743132300.2	11/223912	2	US	09-Sep-2005	US-2 MONTH	29-Sep-2005
7900332001	29/237885		US	08-Sep-2005	US-MISSG PT-FLG	29-Sep-2005
7900332002	29/237884		US	08-Sep-2005	US-MISSG PT-FLG	29-Sep-2005
8900032000.U	10/048757		US	21-Aug-2002	US-Allowance	29-Sep-2005
9300552024	10/829046		US	21-Apr-2004	US-Allowance	29-Sep-2005